

RECEIVED

AUG 09 2012

CITY OF SOUTH BEND - SOUTH BEND POLICE DEPARTMENT

ACCESS TO PUBLIC RECORDS REQUEST

OFFICE OF THE MAYOR

NAME OF REQUESTING PARTY

Kelli Stopczynski WSBT-TV

ADDRESS OF REQUESTING PARTY

1301 E. Douglas Rd. Mishawaka, IN

PHONE NUMBER

276.5802

DATE OF REQUEST

8/9/12

TIME

1:05pm

SIGNATURE OF REQUESTING PARTY

Kelli Stopczynski

INFORMATION REQUESTED: (Please be specific. Use back of this form if additional space is needed.)

All recorded phone conversations from Darryl Boykins' office phone line from January 2010 - March 2012 when he served as the Chief of Police. According to Indiana's Public Access Counselor 10 5-14-3-6, this information should legally be released.

Requesting party requests _____ to inspect or ☒ to buy copies (Check One) of the information being requested.

DEPARTMENT HAVING INFORMATION REQUESTED (If known):

SBPD

ALL DECISIONS AS TO DISCLOSABILITY MUST BE MADE AND THE REQUESTING PARTY ADVISED OF SAME WITHIN 24 HOURS AFTER THE REQUEST IS RECEIVED.

INTER OFFICE USE ONLY

Employee Handling Request: _____

Open Case: Yes _____ No _____ N/A _____

DECISION BY CITY ATTORNEY'S OFFICE:

INFORMATION DISCLOSABLE:

☒ Except as below

INFORMATION NONDISCLOSABLE:

☒ Criminal investigation, ^{personal} personnel, lawyer, or other

ATTORNEY COMMENTS:

records otherwise non-disclosable

SIGNATURE OF CITY ATTORNEY:

M. L. [Signature]

DATE OF DECISION:

8/9/12

Informed Requesting Party that information is:

_____ DISCRETIONARY DISCLOSURE

_____ NONDISCLOSABLE

Date: _____

Signature: _____

EXHIBIT B

**CITY OF SOUTH BEND
ACCESS TO PUBLIC RECORDS REQUEST**

NAME OF REQUESTING PARTY Brandon Lewis - WNDU-TV
ADDRESS OF REQUESTING PARTY 54516 State Road 933, South Bend, IN 46637
PHONE NUMBER 5742843030 DATE OF REQUEST 4/2/2012 TIME 1100 am
SIGNATURE OF REQUESTING PARTY [Signature]
INFORMATION REQUESTED: (Please be specific. Use back of this form if additional space is needed.)

See attached

Requesting party requests ☒ to inspect or ☒ to buy copies (Check One) of the information being requested.

DEPARTMENT HAVING INFORMATION REQUESTED (If known): _____

ALL DECISIONS AS TO DISCLOSABILITY MUST BE MADE AND THE REQUESTING PARTY ADVISED OF SAME WITHIN 24 HOURS AFTER THE REQUEST IS RECEIVED.

INTER OFFICE USE ONLY

Name of Employee Handling Request: _____ Date: _____

Department: _____

DECISION BY CITY ATTORNEY'S OFFICE:

INFORMATION DISCLOSABLE: _____

INFORMATION NONDISCLOSABLE: ☒ _____

ATTORNEY COMMENTS: IC. 5-14-3-4(a)(3)
Recordings are required to be kept confidential under federal law

SIGNATURE OF CITY ATTORNEY: Alex Carol Nash for Madeline DeRose

DATE OF DECISION: 4-2-12

Informed Requesting Party that information is:

☐ DISCRETIONARY DISCLOSURE

☐ NONDISCLOSABLE

Date: _____ Signature: _____

RECEIVED

APR 03 2012
CITY OF SOUTH BEND
DEPARTMENT OF LAW

Brandon Lewis
WNDU-TV
54516 State Road 933
South Bend, Indiana 46637
574-284-3030
Brandon.Lewis@wndu.com

April 2, 2012

City of South Bend – Legal Department
227 West Jefferson Street, Suite 1400 N
South Bend, Indiana 46601

FOIA REQUEST
Expedited processing requested

Dear FOIA Officer:

Pursuant to the state open records act, I request access to and copies of the following, which were the subject of a recently concluded federal investigation into the South Bend Police Department:

- Telephone recordings made by members of the South Bend Police Department
- Telephone recordings involving Metro Homicide Commander Tim Corbett
- Telephone recordings involving Darryl Boykins
- Written and electronic communication to/from Mayor Peter Buttigieg, Darryl Boykins, Tim Corbett and other involved employees of the City of South Bend regarding investigation
- Information explaining when the investigation was initiated

I would like to receive the information in the following format: electronic.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

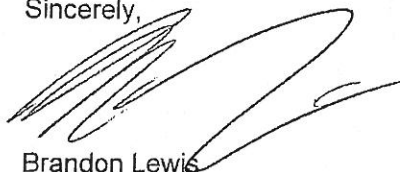
Please provide expedited processing of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for

information about the recordings because this is an ongoing newsworthy event involving a public figure.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "Brandon Lewis", written over a horizontal line.

Brandon Lewis

CITY OF SOUTH BEND
ACCESS TO PUBLIC RECORDS REQUEST

NAME OF REQUESTING PARTY Kevin Allen (S.B. Tribune)

ADDRESS OF REQUESTING PARTY 225 W. Colfax Ave., SB, IN 46626
PHONE NUMBER 235 1711

PHONE NUMBER 235-6244 DATE OF REQUEST May 31, 2012 TIME 7:30 pm
SIGNATURE OF REQUESTING PARTY [Signature]

SIGNATURE OF REQUESTING PARTY K. Allen

INFORMATION REQUESTED: (Please be specific. Use back of this form if additional space is needed.)

I want copies of the recordings contained on the 5 tapes referenced in U.S. Attorney David Capp's letter, dated May 31, to Aladean DeRose. In light of the U.S. attorney's statement that the obligations imposed by the subpoena of those tapes have been released, the tapes should be released.

Requesting party requests _____ to inspect or ✓ to buy copies (Check One) of the information being requested.

DEPARTMENT HAVING INFORMATION REQUESTED (If known):

ALL DECISIONS AS TO DISCLOSABILITY MUST BE MADE AND THE REQUESTING PARTY ADVISED OF SAME WITHIN 24 HOURS AFTER THE REQUEST IS RECEIVED.

INTER OFFICE USE ONLY

Name of Employee Handling Request: _____ Date: _____

Department: _____

DECISION BY CITY ATTORNEY'S OFFICE:

INFORMATION DISCLOSABLE:

INFORMATION NONDISCLOSABLE: X Federal Law Prohibits
ATTORNEY COMMENTS:

ATTORNEY COMMENTS:

SIGNATURE OF CITY ATTORNEY: Madison R. Lee

DATE OF DECISION: 5-31-12

Informed Requesting Party that information is:

DISCRETIONARY DISCLOSURE

NONDISCLOSABLE

Date: _____ Signature: _____

Signature:

CITY OF SOUTH BEND
ACCESS TO PUBLIC RECORDS REQUEST

NAME OF REQUESTING PARTY AARON Ramey & Jason Avery
ADDRESS OF REQUESTING PARTY 53550 Generations Dr. South Bend, IN 46635
PHONE NUMBER 574-944-5085 DATE OF REQUEST 5/31/12 TIME 4:40pm

SIGNATURE OF REQUESTING PARTY [Signature]
INFORMATION REQUESTED: (Please be specific. Use back of this form if additional space is needed.)
Please See attached.

Requesting party requests ☐ to inspect or ☐ to buy copies (Check One) of the information being requested.

DEPARTMENT HAVING INFORMATION REQUESTED (If known): _____

ALL DECISIONS AS TO DISCLOSABILITY MUST BE MADE AND THE REQUESTING PARTY ADVISED OF SAME WITHIN 24 HOURS AFTER THE REQUEST IS RECEIVED.

INTER OFFICE USE ONLY

Name of Employee Handling Request: _____ Date: _____

Department: _____

DECISION BY CITY ATTORNEY'S OFFICE: _____

INFORMATION DISCLOSABLE: _____

INFORMATION NONDISCLOSABLE: _____

ATTORNEY COMMENTS: _____

SIGNATURE OF CITY ATTORNEY: _____

DATE OF DECISION: _____

Informed Requesting Party that information is:
☐ DISCRETIONARY DISCLOSURE

☐ NONDISCLOSABLE

Date: _____

Signature: _____



Aladean M. DeRose
City Attorney, A.I.
City of South Bend
Department of Law
1400 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601-1830

May 31, 2012

Dear Ms. DeRose:

Today, ABC57 News obtained a letter written by United States Attorney David Capp which states the federal investigation into the recordings of South Bend Police Department phone lines is concluded and closed. The letter also states that, in the opinion of the U.S. Department of Justice, "no federal prosecution is warranted."

The letter specifies that "...certain conversations from that line (a telephone line of a detective in the SBPD detective bureau) were placed on five cassette tapes."

Now that the federal investigation has concluded in an opinion that no laws were broken, a claim by the City of South Bend and Mayor Pete Buttigieg that it would be illegal to provide ABC57 News with the recordings is rendered baseless.

The recordings are a public record, as defined by the Indiana Access to Public Records Act (APRA). Additionally, based on the ruling by the U.S. Attorney, the recordings are not exempt from disclosure under the confidential by federal law exemption.

Therefore, I respectfully resubmit our request for access to the recordings in question under the Indiana Access to Public Record Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Ramey'.

Aaron Ramey
News Director
ABC 57 News
574.344.5085
aramey@abc57.com